

### **REMARKS**

Claims 1-6, 8-19 are pending in the present application. Claims 1, 3-5, 8-12 have been amended. Claim 7 has been canceled. Claims 13-19 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-4, 7-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hoirup et al (US 6,397,054). This rejection is respectfully traversed.

The present invention defined in Claim 1 is related to an emergency call. When the emergency call is captured at an emergency dispatcher, voice communication is established between a remote station and the emergency dispatcher. During the voice communication, it is determined whether messaging is desired or not. When the messaging is desired, the emergency dispatcher communicates with the remote station using a messaging system. This communication using the messaging system is carried out without terminating the emergency call. Accordingly, during the voice communication, the communication using the messaging system can be carried out when it is desired. That is, the emergency call is changed from the voice communication to the communication using the messaging system when the messaging is desired.

Horiup discloses emergency calls, which use voice call as disclosed in its background and the data message as disclosed in its description. In order to provide the emergency data messaging procedure, Horiup adds two parameters, which are

Emergency SDCCH Procedure cause and CM SERVICE REQUEST, to the conventional emergency calling procedure (col. 5, lines 8-29). As disclosed in FIG. 3 of Horiup, when a call is initiated from the mobile station, those two parameters are sent from the mobile station to the network (steps 310, 330: col. 5, lines 30-52). In short, Horiup discloses the system that can communicate by means of the data message as well as the voice calling as the emergency call.

However, according to the method of Horiup, the data messaging has to be requested in the initiation procedure instead of the voice calling. In addition, Horiup does not determine whether messaging is desired or not during the voice communication. Thus, once the voice calling is established as the emergency call between the mobile station and the service center, the emergency call can not be changed from the voice calling to the data message during the voice calling without terminating the emergency call. In such a situation, if the user wants to change the emergency call from the voice calling to the data message during the voice calling, for example to send information about the situation of the user without speaking, the ongoing emergency call has to be terminated and the user has to restart the emergency call ordering the data message communication.

To the contrary, the present invention determines whether messaging is desired during the voice communication. Therefore, the emergency call communicates by the messaging system without terminating the call.

Other cited references, such as Lowel et al (US 6,292,687), do not disclose the feature of the present invention. No cited references disclose the feature of the present invention.

Thus, the applicant believes that the present invention defined in Claim 1 patentably distinguishes and is not obvious over the art of record.

Likewise, Claims 2-4, which ultimately depend from Claim 1, are also believed to patentably distinguish and are not obvious over the art of record. Claim 7 has been cancelled. New independent Claim 16 defines the same features defined in Claim 1. Accordingly, Claim 16 is also believed to patentably distinguish and is not obvious over the art of record. Claim 8-12, which now ultimately depend from Claim 16, are also believed to patentably distinguish and are not obvious over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over in view of Lowell at al (US 6,292,687).

Claims 5-6 ultimately depend from Claim 1. As described above, Claim 1 is believed to patentably distinguish and is not obvious over Horiup and Lowell. Therefore, Claims 5-6 are also believed to patentably distinguish and are not obvious over the art of record.

#### **NEW CLAIMS**

New Claims 13-15 depend from Claim 1. As described above, Claim 1 is believed to patentably distinguish and is not obvious over the arts of record. Therefore, Claims 13-15 are also believed to patentably distinguish and are not obvious over the art of record.

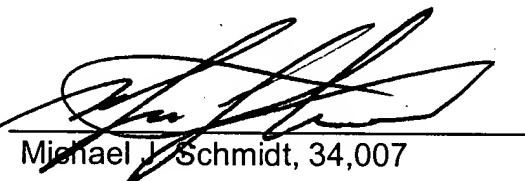
As described above, new independent Claim 16 is believed to patentably distinguish and is not obvious over the art of record. Likewise, new Claims 17-19, which depend from Claim 16, are also believed to patentably distinguish over the art of record.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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